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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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SchindlerB@gtlaw.com  
LucasCh@gtlaw.com  
NYIPmail@gtlaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/670,099	<b>Applicant(s)</b> VOLK ET AL.	
	<b>Examiner</b> Miranda Le	<b>Art Unit</b> 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-17 and 20-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 7-17, 20-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is responsive to Amendment, filed 07/02/07.

Claims 1, 3-5, 7-17, 20-36 are pending in this application. This action is made Final.

#### ***Claim Objections***

2. Claims 17, 36 are objected to as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 17, 36 recites the limitation "tangible", which was not described in the specification. There is insufficient antecedent basis for this limitation in the claims.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. § 101 reads as follows:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title".

4. Claims 17, 36 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claim 17 fails to fall within a category of patentable subject matter set forth in 35 U.S.C. 101. Merely claiming nonfunctional descriptive material, i.e. abstract ideas, stored in a computer-readable medium, in a computer, on an electromagnetic carrier signal does not make it statutory.

Specifically, the specification, paragraph [0134], defines "computer-readable medium" as including both storage media (i.e., ROM, RAM) and communication media (i.e., carrier waves).

A computer-readable medium including a carrier wave, or signal, is non-statutory subject matter as set forth in MPEP 2106 (IV)(B)(2)(a). As such, claim 17 is not limited to tangible embodiments, the claim is not limited to statutory subject matter and is therefore non-statutory.

Claim 36 incorporates the deficiencies of claim 17 and does not add tangibility to the claimed subject matter, it is likewise rejected.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 12-17, 35, 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Balabanovic et al. (US Patent No. 6,976,229).

Balabanovic anticipated independent claims 12, 17 by the following:

**As per claim 12**, Balabanovic teaches a system for providing media content to a plurality of users comprising one or more servers configured to:

compile a data file (*i.e. combine multiple forms of media into integrated stories. An example of an authored object is a sequence of photographs with an audio, or narration, clip*

*associated with or accompanying the photographs, col. 3, lines 40-49) that contains one or more unique identifiers which identify one or more pieces of content (i.e. The XML metadata file for story 500 points to two other stories, "meta3.xml" 505 and "meta5.xml" 510. Note that each metadata file has an associated "type" attribute having a value of either "story" or "document" indicates single object, col. 10, lines 21-39);*

*determining whether a user-selectable autoplay function is engaged for a given one of said plurality of users (i.e. pressing the play button enables the system to play both the audio segment and the video clip synchronized with each other. The system then moves on to a next clip of the story, col. 11, lines 50-67);*

*in a case that the autoplay function is determined to be engaged, determining a sequence in which said user is to experience media content corresponding to said one or more pieces of content based on an ordering of said unique identifiers in the data file (i.e. Each "album" is an ordered set of "songs", col. 12, lines 26-38);*

*in a case that the autoplay function is determined to be disengaged, determining the sequence in which said user is to experience media content corresponding to said one or more pieces of content based on input from the user and without regard to the ordering of said unique identifiers in the data file (i.e. The second track represents the user's "playlists" (e.g., the user's own sequences of songs to be played). In this case, there is a default visual representation for each song, or the user chooses relevant icons, or a Web service provides icons to match artist names, song titles or album titles, col. 12, lines 26-38).*

**As per claim 17**, Balabanovic teaches a tangible computer readable medium comprising computer code for providing content to a user over a network, the computer code to configure one or more processors to:

compile a data file (*i.e. combine multiple forms of media into integrated stories. An example of an authored object is a sequence of photographs with an audio, or narration, clip associated with or accompanying the photographs, col. 3, lines 40-49*) that contains one or more unique identifiers which identify one or more pieces of content (*i.e. The XML metadata file for story 500 points to two other stories, "meta3.xml" 505 and "meta5.xml" 510. Note that each metadata file has an associated "type" attribute having a value of either "story" or "document" indicates single object, col. 10, lines 21-39*);

determining whether a user-selectable autoplay function is engaged for a given one of said plurality of users (*i.e. pressing the play button enables the system to play both the audio segment and the video clip synchronized with each other. The system then moves on to a next clip of the story, col. 11, lines 50-67*);

in a case that the autoplay function is determined to be engaged, determining a sequence in which said user is to experience media content corresponding to said one or more pieces of content based on an ordering of said unique identifiers in the data file (*i.e. Each "album" is an ordered set of "songs", col. 12, lines 26-38*);

in a case that the autoplay function is determined to be disengaged, determining the sequence in which said user is to experience media content corresponding to said one or more pieces of content based on input from the user and without regard to the ordering of said unique identifiers in the data file (*i.e. The second track represents the user's "playlists" (e.g., the user's*

*own sequences of songs to be played). In this case, there is a default visual representation for each song, or the user chooses relevant icons, or a Web service provides icons to match artist names, song titles or album titles, col. 12, lines 26-38).*

**As per claim 13**, Balabanovic teaches the system of claim 12 wherein the data file is automatically compiled (*i.e. In one embodiment, stories and metadata about photographs are stored on the storage device in Extensible Markup Language (XML). FIG. 4 illustrates an exemplary XML metadata file that the system reads during initialization. The initializing metadata file 400 is stored in a predetermined known location on the storage device, col. 10, lines 1-20).*

**As per claim 14**, Balabanovic teaches the system of claim 13 wherein the data file is automatically compiled based on criteria chosen by one of the plurality of users (*i.e. the initializing metadata file also maintains further administrative functions, such as, for example, user ids and passwords to prevent unauthorized viewing of personal stories. In one embodiment, the initialization file contains user specific information, col. 10, lines 1-20).*

**As per claim 15**, Balabanovic teaches the system of claim 12 wherein the data file is compiled manually (*i.e. The digital media may include raw objects, such as, for example individual photographs, as well as authored objects that combine multiple forms of media into integrated stories. An example of an authored object is a sequence of photographs with an audio, or narration, clip associated with or accompanying the photographs. In one embodiment, the*

*time of capture for an object is known and is stored along with the object in the system, col. 3, lines 40-49).*

**As per claim 16**, Balabanovic teaches the system of claim 12 the one more media files are provided by more than one source (*i.e. New objects may be input into the system automatically without requiring any action from the user. New objects are input into the system using one or more sources, such as, for example, on flash memory cards containing digital photographs, video capture camera, reading digital photographs or video clips from floppy or CD-ROM drives, network (e.g., Web) downloads, etc. In one embodiment, the user inserts a flash memory card into a slot in the system and the photographs from the flash memory card are automatically copied and stored in the system, col. 3, lines 50-64).*

**As to claims 35, 36**, Balabanovic teaches determining media content other than said media content corresponding to said one or more files for said user to experience while waiting for said user input (*i.e. Each "album" is an ordered set of "songs". The second track represents the user's "playlists" (e.g., the user's own sequences of songs to be played). In this case, there is a default visual representation for each song, or the user chooses relevant icons, or a Web service provides icons to match artist names, song titles or album titles, col. 12, lines 26-38).*

7. Claims 1, 3-5, 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Katinsky et al. (US Patent No. 6,452,609).



**As per claim 1**, Katinsky teaches a system for providing media content on a network comprising:

one or more servers (*i.e. an application server for communicating with a client running the web page, col. 2, lines 39-44*) configured to:

generating an interface at a site on said network for display on a user computer (*i.e. the invention is directed to a web page with a player for playing media objects, a sequencer which displays a play list that defines an order in which media objects are played by the player, a media access area for containing a plurality of graphical icons, col. 1, lines 52-58*), media files provided by more than one content provider being made available to said user computer via said network site using said interface (*i.e. In another aspect, the invention is directed to a method of operating a web page. Multiple sources of streaming content are displayed to a user, and user input is received to select a playing order for the sources of streaming content. The playing order is stored, user input is received to start delivering the streaming content to the user, and the streaming content is presented to the user in the stored order, col. 2, lines 31-38*);

defining a set of metadata attributes relating to said media files (*i.e. In another aspect, the invention is directed to an Internet site having a first database to store information about a plurality of media objects, a second database to store information about how the media objects are to be presented on a web page, a third database to store information about a plurality of users, and an application server for communicating with a client running the web page, col. 2, lines 39-44*), each of said metadata attributes of the set to be displayed in a specific locations in said interface (*i.e. The graphical icon includes an indication of a media type of the media object and text describing content of the graphical object, col. 1, line 59 to col. 2, line 29*);

receive a plurality of media files provided by said more than one content provider via the network, the received media files for user with said interface (*i.e. In another aspect, the invention is directed to a method of operating a web page. Multiple sources of streaming content are displayed to a user, and user input is received to select a playing order for the sources of streaming content. The playing order is stored, user input is received to start delivering the streaming content to the user, and the streaming content is presented to the user in the stored order, col. 2, lines 31-38*);

associate metadata attributes form the set of metadata attributes with each of said received media files (*i.e. The user may change the play list to play the media object associated with the banner by manipulating the banner. Dragging the banner to the sequencer may add the media object associated with the banner to the play list, and dragging the banner to the image area of the player may play the media object associated with the banner. The banner may include a pop-up menu to display information about the media object associated with the banner, col. 1, line 59 to col. 2, line 29*); and

map each of said associated metadata attributes to a respective predetermined location in said interface, so that in said interface for said user each of said associated metadata attributes appears at its respective predetermined location in said interface for each of said received media files of said plurality, the respective predetermined location for a given metadata attribute is a same location in said interface regardless of the content providers providing said received media files (*i.e. In another aspect, the invention is directed to an Internet site having a first database to store information about a plurality of media objects, a second database to store information about how the media objects are to be presented on a web page, a third database to store*

*information about a plurality of users, and an application server for communicating with a client running the web page, col. 2, lines 39-44).*

**As per claim 4**, Katinsky teaches a system for providing media content in a network comprising:

one or more servers (*i.e. an application server for communicating with a client running the web page, col. 2, lines 39-44*) configured to:

associate metadata attributes from within a defined set of metadata attributes with a plurality of media files provided by more than one content provider (*i.e. Multiple sources of streaming content are displayed to a user, and user input is received to select a playing order for the sources of streaming content. The playing order is stored, user input is received to start delivering the streaming content to the user, and the streaming content is presented to the user in the stored order, col. 2, lines 31-38*) via said network (*i.e. In another aspect, the invention is directed to an Internet site having a first database to store information about a plurality of media objects, a second database to store information about how the media objects are to be presented on a web page, a third database to store information about a plurality of users, and an application server for communicating with a client running the web page, col. 2, lines 39-44*);

utilize the metadata attributes to map the plurality of media files to an interface, said interface generated at a site on said network, said media files being made available to a user computer via said network site using said interface (*i.e. The user may change the play list to play the media object associated with the banner by manipulating the banner. Dragging the banner to the sequencer may add the media object associated with the banner to the play list, and dragging*

*the banner to the image area of the player may play the media object associated with the banner. The banner may include a pop-up menu to display information about the media object associated with the banner, col. 1, line 59 to col. 2, line 29); and*

map each of said associated metadata attributes to a respective predetermined location in said interface, such that each of said associated media attributes appears in its respective predetermined location in said interface for each of said received media files of said plurality, the respective predetermined location for a given metadata attribute is a same location in said interface regardless of the content providers providing said media files (*i.e. In another aspect, the invention is directed to an Internet site having a first database to store information about a plurality of media objects, a second database to store information about how the media objects are to be presented on a web page, a third database to store information about a plurality of users, and an application server for communicating with a client running the web page, col. 2, lines 39-44).*

**As per claim 3,** Katinsky teaches the system of claim 1 wherein one or more servers are further configured to generate a media player interface for experiencing the media content (*i.e. A web page has a player for playing media objects, a sequencer which displays a play list that defines an order in which media objects are played by the player, and a media access area for containing a plurality of graphical icons. Each graphical icon representing a media object, and the graphical icons can be manipulated by a user to modify the play list. For example, the media icons may be dragged to the sequencer to add them to the sequencer, Abstract).*

**As per claim 5**, Katinsky teaches the system of claim 4 further comprising: a local database for storing the metadata attributes (*i.e. As shown in FIG. 11, when the media access web page is loaded, it checks for the existence of a cookie that can identify the user to the web server 1020 (step 1102). If a cookie is found, then the client queries user database 1014 in the server for the contents of the sequencer 14 at the end of the user's last session (step 1104), col. 10, line 47 to col. 11, line 6).*

**As per claim 20**, Katinsky teaches the system of claim 1 wherein said metadata attributes comprises a title for the media file (*See Figs. 5, 6A, 6B, 7, 8A, 8B, 9A, 9B).*

**As per claim 21**, Katinsky teaches the system of claim 1 wherein said metadata attributes comprises a description for the media file. (*i.e. The graphical icon includes an indication of a media type of the media object and text describing content of the graphical object, col. 1, line 59 to col. 2, line 29).*

**As per claim 22**, Katinsky teaches the system of claim 1 wherein said metadata attributes comprises a duration for the media file (*i.e. A display panel 112 presents the current status of the media object, e.g., playing or paused, and a clock 114 shows the total duration of the multimedia object and the elapsed time, col. 6, lines 1-18).*

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 7-11, 25-30, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katinsky et al. (US Patent No. 6,452,609), in view of Chowdhury et al. (US Patent No. 6,026,439).

**As per claim 7**, Katinsky teaches a method executable by at least one server (*i.e. an application server for communicating with a client running the web page, col. 2, lines 39-44*) of providing media content to a plurality of users over a network comprising:

compiling a data file that contains one or more unique identifiers which identify one or more media files (*i.e. the invention is directed to a web page with a player for playing media objects, a sequencer which displays a play list that defines an order in which media objects are played by the player, a media access area for containing a plurality of graphical icons, col. 1, lines 52-58*);

determining a sequence in which said user is to experience media content corresponding to one or more media files based on an ordering of said unique identifiers in the data file (*i.e. In*

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*another aspect, the invention is directed to a method of operating a web page. Multiple sources of streaming content are displayed to a user, and user input is received to select a playing order for the sources of streaming content. The playing order is stored, user input is received to start delivering the streaming content to the user, and the streaming content is presented to the user in the stored order, col. 2, lines 31-38); and*

determining the sequence in which said user is to experience media content corresponding to said one or more media files based on input from the user and without regard to the ordering of said unique identifiers in the data file (*i.e. Thus, users can interact with content that is pre-loaded in the sequencer (either by the site-manager or based on personal preferences), they can locate new media objects in the media icon access panel 12, organize the media objects into a play list 50 in the sequencer 14, exchange play lists with out users, and elect to review media objects that are offered in the sponsor area during the playing of each media object, col. 9, lines 4-12).*

Katinsky does not teach:

determining whether a user-selectable autoplay function is engaged for a given one of said plurality of users;

in a case that the autoplay function is determined to be engaged,

in a case that the autoplay function is determined to be disengaged,

Chowdhury teaches:

determining whether a user-selectable autoplay function is engaged for a given one of said plurality of users (*i.e. In the present example, the PLAY, PAUSE and SEEK functions are implemented differently according to the type of data transfer mechanism being used. If the*

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*multiple copy transfer mechanism is used, standard operating system function calls may be used to transfer a video file. The functions are implemented completely in the user space (memory area belonging to the control program) by utilizing socket function calls for network input/output, standard file system function calls for file input/output, and standard thread mechanism for playlist and input/output processing, col. 7, lines 34-43);*

*in a case that the autoplay function is determined to be engaged (i.e. That sequence is repeated for all of the files in the playlist if no PAUSE or SEEK API calls are made before all of the files in the playlist are transferred, col. 9, lines 16-46);*

*in a case that the autoplay function is determined to be disengaged (i.e. That sequence is repeated for all of the files in the playlist if no PAUSE or SEEK API calls are made before all of the files in the playlist are transferred, col. 9, lines 16-46).*

It would have been obvious to one of ordinary skill of the art having the teaching of Katinsky and Chowdhury at the time the invention was made to modify the system of Katinsky to include the limitations as taught by Chowdhury. One of ordinary skill in the art would be motivated to make this combination in order to identify the file transfer to be started (col. 9, lines 12-15) in view of Chowdhury, as doing so would give the added benefit of efficiently enabling a plurality of control functions for access by a user or a user system in controlling the identity, sequence and flow of file transfers in order to optimize transfer efficiency in a data transfer transaction (Summary) as taught by Chowdhury.

**As per claim 25**, Katinsky teaches a system for providing media content in a network comprising:



one or more servers (*i.e. an application server for communicating with a client running the web page, col. 2, lines 39-44*) configured to:

generate an interface at a site on said network for display on a user computer (*i.e. the invention is directed to a web page with a player for playing media objects, a sequencer which displays a play list that defines an order in which media objects are played by the player, a media access area for containing a plurality of graphical icons, col. 1, lines 52-58*), said interface comprising a region to display media content of a plurality of media files provided by more than one content provider and being made available to said user computer via said network site (*i.e. In another aspect, the invention is directed to a method of operating a web page. Multiple sources of streaming content are displayed to a user, and user input is received to select a playing order for the sources of streaming content. The playing order is stored, user input is received to start delivering the streaming content to the user, and the streaming content is presented to the user in the stored order, col. 2, lines 31-38*), a region to display selectable indicia corresponding to one or more playlists, a region to display indicia of each of said plurality of media files identified by a selected one of said playlists (*i.e. The graphical icon includes an indication of a media type of the media object and text describing content of the graphical object, col. 1, line 59 to col. 2, line 29*);

define a set of metadata attributes (*i.e. In another aspect, the invention is directed to an Internet site having a first database to store information about a plurality of media objects, a second database to store information about how the media objects are to be presented on a web page, a third database to store information about a plurality of users, and an application server for communicating with a client running the web page, col. 2, lines 39-44*) to be displayed in

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specific location in said interface (*i.e. The graphical icon includes an indication of a media type of the media object and text describing content of the graphical object, col. 1, line 59 to col. 2, line 29*);

receive said plurality of media files for use with said interface (*i.e. In another aspect, the invention is directed to an Internet site having a first database to store information about a plurality of media objects, a second database to store information about how the media objects are to be presented on a web page, a third database to store information about a plurality of users, and an application server for communicating with a client running the web page, col. 2, lines 39-44*).

associate metadata attributes from the set of metadata attributes with each of said received media files (*i.e. The user may change the play list to play the media object associated with the banner by manipulating the banner. Dragging the banner to the sequencer may add the media object associated with the banner to the play list, and dragging the banner to the image area of the player may play the media object associated with the banner. The banner may include a pop-up menu to display information about the media object associated with the banner, col. 1, line 59 to col. 2, line 29*); and

map each of said associated metadata attributes to a respective predetermined location in said interface, so that, in said interface for said user, each of said associated metadata attributes appears at its respective predetermined location in said interface for each media file of said received media files of said plurality, the respective predetermined location for a given metadata attributes is a same location in said interface regardless of the content providers providing said received media files (*i.e. In another aspect, the invention is directed to an Internet site having a*

*first database to store information about a plurality of media objects, a second database to store information about how the media objects are to be presented on a web page, a third database to store information about a plurality of users, and an application server for communicating with a client running the web page, col. 2, lines 39-44).*

Katinsky does not teach a region to display selectable indicia of an autoplay function configured to control an order in which each of said plurality of media files identified by a selected one of said playlists is to be experienced using said interface.

*Chowdhury teaches this limitation (i.e. In the present example, the PLAY, PAUSE and SEEK functions are implemented differently according to the type of data transfer mechanism being used. If the multiple copy transfer mechanism is used, standard operating system function calls may be used to transfer a video file. The functions are implemented completely in the user space (memory area belonging to the control program) by utilizing socket function calls for network input/output, standard file system function calls for file input/output, and standard thread mechanism for playlist and input/output processing, col. 7, lines 34-43);*

It would have been obvious to one of ordinary skill of the art having the teaching of Katinsky and Chowdhury at the time the invention was made to modify the system of Katinsky to include the limitations as taught by Chowdhury. One of ordinary skill in the art would be motivated to make this combination in order to identify the file transfer to be started (col. 9, lines 12-15) in view of Chowdhury, as doing so would give the added benefit of enabling a plurality of control functions for access by a user or a user system in controlling the identity, sequence and flow of file transfers in order to optimize transfer efficiency in a data transfer transaction (Summary) as taught by Chowdhury.

**As per claim 28**, Katinsky teaches a system for providing media content in a network comprising:

one or more servers (*i.e. an application server for communicating with a client running the web page, col. 2, lines 39-44*) configured to:

associate metadata attributes from within a defined set of metadata attributes with a plurality of media files (*i.e. The user may change the play list to play the media object associated with the banner by manipulating the banner. Dragging the banner to the sequencer may add the media object associated with the banner to the play list, and dragging the banner to the image area of the player may play the media object associated with the banner. The banner may include a pop-up menu to display information about the media object associated with the banner, col. 1, line 59 to col. 2, line 29*) provided by more than one content provider (*i.e. In another aspect, the invention is directed to a method of operating a web page. Multiple sources of streaming content are displayed to a user, and user input is received to select a playing order for the sources of streaming content. The playing order is stored, user input is received to start delivering the streaming content to the user, and the streaming content is presented to the user in the stored order, col. 2, lines 31-38*);

utilize the metadata attributes to map the plurality of media files to an interface for display on a user computer (*i.e. The graphical icon includes an indication of a media type of the media object and text describing content of the graphical object, col. 1, line 59 to col. 2, line 29*), said interface generated at a site on said network and comprising a region to display media content of said plurality of media files, a region to display selectable indicia corresponding to one or more playlists, a region to display indicia of each media file identified by a selected one

of said playlists (*i.e. In another aspect, the invention is directed to a method of operating a web page. Multiple sources of streaming content are displayed to a user, and user input is received to select a playing order for the sources of streaming content. The playing order is stored, user input is received to start delivering the streaming content to the user, and the streaming content is presented to the user in the stored order, col. 2, lines 31-38*);

map each of said associated metadata attributes to a respective predetermined location in said interface, such that each of said associated media attributes appears in its respective predetermined location in said interface for each of said received media files of said plurality of media files, the respective predetermined location for a given metadata attribute is a same location in said interface regardless of the content providers providing said media files (*i.e. In another aspect, the invention is directed to an Internet site having a first database to store information about a plurality of media objects, a second database to store information about how the media objects are to be presented on a web page, a third database to store information about a plurality of users, and an application server for communicating with a client running the web page, col. 2, lines 39-44*).

Katinsky does not teach a region to display selectable indicia of an autoplay function configured to control an order in which each media file identified by a selected one of said playlists is to be experienced using said interface.

Chowdhury teaches this limitation (*i.e. In the present example, the PLAY, PAUSE and SEEK functions are implemented differently according to the type of data transfer mechanism being used. If the multiple copy transfer mechanism is used, standard operating system function calls may be used to transfer a video file. The functions are implemented completely in the user*

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*space (memory area belonging to the control program) by utilizing socket function calls for network input/output, standard file system function calls for file input/output, and standard thread mechanism for playlist and input/output processing, col. 7, lines 34-43);*

It would have been obvious to one of ordinary skill of the art having the teaching of Katinsky and Chowdhury at the time the invention was made to modify the system of Katinsky to include the limitations as taught by Chowdhury. One of ordinary skill in the art would be motivated to make this combination in order to identify the file transfer to be started (col. 9, lines 12-15) in view of Chowdhury, as doing so would give the added benefit of enabling a plurality of control functions for access by a user or a user system in controlling the identity, sequence and flow of file transfers in order to optimize transfer efficiency in a data transfer transaction (Summary) as taught by Chowdhury.

**As per claim 8**, Katinsky teaches the method of claim 7 wherein the data file is automatically compiled based on some criteria (*i.e. A web page has a player for playing media objects, a sequencer which displays a play list that defines an order in which media objects are played by the player, and a media access area for containing a plurality of graphical icons. Each graphical icon representing a media object, and the graphical icons can be manipulated by a user to modify the play list. For example, the media icons may be draged to the sequencer to add them to the sequencer, Abstract*).

**As per claim 9**, Katinsky teaches the method of claim 8 wherein the data file is automatically compiled based on some criteria chosen by one of the plurality of uses (*i.e. In*

*another aspect, the invention is directed to an Internet site having a first database to store information about a plurality of media objects, a second database to store information about how the media objects are to be presented on a web page, a third database to store information about a plurality of users, and an application server for communicating with a client running the web page, col. 2, lines 39-44).*

**As per claim 10**, Katinsky teaches the method of claim 7 wherein the data file is compiled manually (*i.e. A web page has a player for playing media objects, a sequencer which displays a play list that defines an order in which media objects are played by the player, and a media access area for containing a plurality of graphical icons. Each graphical icon representing a media object, and the graphical icons can be manipulated by a user to modify the play list. For example, the media icons may be dragged to the sequencer to add them to the sequencer, Abstract*).

**As per claim 11**, Katinsky teaches the method of claim 7 wherein the one or more media files are provided by more than one source (*i.e. Multiple sources of streaming content are displayed to a user, and user input is received to select a playing order for the sources of streaming content. The playing order is stored, user input is received to start delivering the streaming content to the user, and the streaming content is presented to the user in the stored order, col. 2, lines 31-38*).

**As to claims 26, 29,** Katinsky teaches said autoplay function is configured to control whether said order in which each of said plurality of media files identified by a selected one of said playlist is determined based on contents of said selected one of said playlists or based on user input (*i.e. A web page has a player for playing media objects, a sequencer which displays a play list that defines an order in which media objects are played by the player, and a media access area for containing a plurality of graphical icons. Each graphical icon representing a media object, and the graphical icons can be manipulated by a user to modify the play list. For example, the media icons may be dragged to the sequencer to add them to the sequencer, Abstract*).

**As to claims 27, 30,** Katinsky teaches said user input comprises selection of one or more of said indicia of said plurality of media files identified by a selected one of said playlist (*i.e. A web page has a player for playing media objects, a sequencer which displays a play list that defines an order in which media objects are played by the player, and a media access area for containing a plurality of graphical icons. Each graphical icon representing a media object, and the graphical icons can be manipulated by a user to modify the play list. For example, the media icons may be dragged to the sequencer to add them to the sequencer, Abstract*).

**As per claim 34,** Chowdhury teaches the method of claim 7, further comprising:  
determining media content other than said media content corresponding to said one or more media files for said user to experience while waiting for said user input (*i.e. In the present*



*example, the PLAY, PAUSE and SEEK functions are implemented differently according to the type of data transfer mechanism being used. If the multiple copy transfer mechanism is used, standard operating system function calls may be used to transfer a video file. The functions are implemented completely in the user space (memory area belonging to the control program) by utilizing socket function calls for network input/output, standard file system function calls for file input/output, and standard thread mechanism for playlist and input/output processing, col. 7, lines 34-43).*

10. Claims 23, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katinsky et al. (US Patent No. 6,452,609), in view of Headings et al. (US Patent No. 6,925,469).

**As per claim 24**, Katinsky teaches a method executable by one or more servers of providing media content in a network comprising the steps of:

*generating an interface at a site on said network for display on a user computer (i.e. the invention is directed to a web page with a player for playing media objects, a sequencer which displays a play list that defines an order in which media objects are played by the player, a media access area for containing a plurality of graphical icons, col. 1, lines 52-58), media files provided by more than one content provider being made available to said user computer via said network site using said interface (i.e. In another aspect, the invention is directed to a method of operating a web page. Multiple sources of streaming content are displayed to a user, and user input is received to select a playing order for the sources of streaming content. The playing order is stored, user input is received to start delivering the streaming content to the user, and the streaming content is presented to the user in the stored order, col. 2, lines 31-38);*

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defining a set of metadata attributes relating to said media files (*i.e. In another aspect, the invention is directed to an Internet site having a first database to store information about a plurality of media objects, a second database to store information about how the media objects are to be presented on a web page, a third database to store information about a plurality of users, and an application server for communicating with a client running the web page, col. 2, lines 39-44*), each of said metadata attributes of the set to be displayed in a specific locations in said interface (*i.e. The graphical icon includes an indication of a media type of the media object and text describing content of the graphical object, col. 1, line 59 to col. 2, line 29*);

receiving a plurality of media files provided by said more than one content provider via the network, the received media files for use with said interface (*i.e. In another aspect, the invention is directed to a method of operating a web page. Multiple sources of streaming content are displayed to a user, and user input is received to select a playing order for the sources of streaming content. The playing order is stored, user input is received to start delivering the streaming content to the user, and the streaming content is presented to the user in the stored order, col. 2, lines 31-38*);

associating metadata attributes with each of said received media files, wherein the metadata attributes comprised a title for each media file (*i.e. The user may change the play list to play the media object associated with the banner by manipulating the banner. Dragging the banner to the sequencer may add the media object associated with the banner to the play list, and dragging the banner to the image area of the player may play the media object associated with the banner. The banner may include a pop-up menu to display information about the media object associated with the banner, col. 1, line 59 to col. 2, line 29*); and

mapping each of said associated metadata attributes to a respective predetermined, location in said interface, so that in said interface for said user each of said associated metadata attributes appears at its respective predetermined location in said interface for each of said received media files of said plurality, the respective predetermined location for a given metadata attribute is a same location in said interface regardless of the content providers providing said received media files (*i.e. In another aspect, the invention is directed to an Internet site having a first database to store information about a plurality of media objects, a second database to store information about how the media objects are to be presented on a web page, a third database to store information about a plurality of users, and an application server for communicating with a client running the web page, col. 2, lines 39-44*).

Katinsky does not teach:

authenticating said user's authorization to access certain media content;

said plurality of media files comprises only the user's authorized media content

Headings teaches:

authenticating said user's authorization to access certain media content (*i.e. The platform also preferably includes a subscriber management system for managing consumer accounts, a content distribution system for distributing media content to the consumers, a licensing server for issuing licenses restricting the use of media content, and a royalty reporter for determining and reporting royalties to one or more content suppliers, col. 3, lines 9-37*).

said plurality of media files comprises only the user's authorized media content (*i.e. FIG. 2 shows a preferred method for ordering a media asset on DESP 100. In step 200, a consumer accesses the client's system (e.g., through a web page or cable channel). In step 202, service*

*platform 108 identifies the consumer by service and publishing groups. In step 204, service platform 108 checks the permissions (if any) associated with the consumer profile (e.g., whether the consumer has been authorized by a parent or guardian to view the requested media asset). In a preferred embodiment, an ad procedure is then initiated in step 300, col. 10, lines 24-34).*

It would have been obvious to one of ordinary skill of the art having the teaching of Katinsky and Headings at the time the invention was made to modify the system of Katinsky to include the limitations as taught by Headings. One of ordinary skill in the art would be motivated to make this combination in order to issue licenses the use of media content (col. 3, lines 9-37) in view of Headings, as doing so would give the added benefit of obtaining an open business platform that provides an end-to-end solution for managing, distributing, and/or retailing digital media assets from various content suppliers (Summary) as taught by Headings.

**As per claim 23**, Katinsky does not teach the system of claim 1 wherein said metadata attributes comprises a expiration date for the media file (*i.e. the license issued expires after a selected interval of time, col. 12, lines 4-5*).

Headings teaches metadata attributes comprises a expiration date for the media file (*i.e. the license issued expires after a selected interval of time, col. 12, lines 4-5*).

It would have been obvious to one of ordinary skill of the art having the teaching of Katinsky and Headings at the time the invention was made to modify the system of Katinsky to include the limitations as taught by Headings. One of ordinary skill in the art would be motivated to make this combination in order to issue licenses the use of obtaining media content (col. 3, lines 9-37) in view of Headings, as doing so would give the added benefit of an open business

platform that provides an end-to-end solution for managing, distributing, and/or retailing digital media assets from various content suppliers (Summary) as taught by Headings.

11. Claims 31, 32, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katinsky et al. (US Patent No. 6,452,609), in view of Headings et al. (US Patent No. 6,925,469), and further in view of Chowdhury et al. (US Patent No. 6,026,439).

**As per claim 31**, Katinsky teaches a method executable by at least one server of providing media content in a network comprising the steps of:

generating an interface at a site on said network for display on a user computer (*i.e. the invention is directed to a web page with a player for playing media objects, a sequencer which displays a play list that defines an order in which media objects are played by the player, a media access area for containing a plurality of graphical icons, col. 1, lines 52-58*), said interface comprising a region to display media content of a plurality of media files provided by one or more than one content provider and being made available to said user computer via said network site (*i.e. In another aspect, the invention is directed to a method of operating a web page. Multiple sources of streaming content are displayed to a user, and user input is received to select a playing order for the sources of streaming content. The playing order is stored, user input is received to start delivering the streaming content to the user, and the streaming content is presented to the user in the stored order, col. 2, lines 31-38*), a region to display, selectable indicia corresponding to one or more playlists, a region to display indicia of each of said plurality of media files identified by a selected one of said playlists (*i.e. In another aspect, the invention is directed to an Internet site having a first database to store information about a*

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*plurality of media objects, a second database to store information about how the media objects are to be presented on a web page, a third database to store information about a plurality of users, and an application server for communicating with a client running the web page, col. 2, lines 39-44);*

*defining a set of metadata attributes to be displayed in specific location in said interface (i.e. In another aspect, the invention is directed to an Internet site having a first database to store information about a plurality of media objects, a second database to store information about how the media objects are to be presented on a web page, a third database to store information about a plurality of users, and an application server for communicating with a client running the web page, col. 2, lines 39-44);*

*receive said plurality of media files for use with said interface (i.e. In another aspect, the invention is directed to a method of operating a web page. Multiple sources of streaming content are displayed to a user, and user input is received to select a playing order for the sources of streaming content. The playing order is stored, user input is received to start delivering the streaming content to the user, and the streaming content is presented to the user in the stored order, col. 2, lines 31-38);*

*associating metadata attributes with each of said plurality of media files, wherein the metadata attributes comprises a title for each media file (i.e. The user may change the play list to play the media object associated with the banner by manipulating the banner. Dragging the banner to the sequencer may add the media object associated with the banner to the play list, and dragging the banner to the image area of the player may play the media object associated*

*with the banner. The banner may include a pop-up menu to display information about the media object associated with the banner, col. 1, line 59 to col. 2, line 29);*

mapping each of said associated metadata attributes to a respective predetermined location in said interface, so that in said interface each of said associated metadata attributes appears at its respective predetermined location in said interface for each received media file of said plurality, the respective predetermined location for a given metadata attribute is a same location in said interface regardless of the content providers providing said received media files *(i.e. In another aspect, the invention is directed to an Internet site having a first database to store information about a plurality of media objects, a second database to store information about how the media objects are to be presented on a web page, a third database to store information about a plurality of users, and an application server for communicating with a client running the web page, col. 2, lines 39-44).*

Katinsky does not teach:

a region to display selectable indicia of an autoplay function configured to control an order in which each of said plurality of media files identified by a selected one of said playlists is to be experienced using said interface;

Chowdhury teaches:

a region to display selectable indicia of an autoplay function configured to control an order in which each of said plurality of media files identified by a selected one of said playlists is to be experienced using said interface *(i.e. In the present example, the PLAY, PAUSE and SEEK functions are implemented differently according to the type of data transfer mechanism being used. If the multiple copy transfer mechanism is used, standard operating system function calls*

*may be used to transfer a video file. The functions are implemented completely in the user space (memory area belonging to the control program) by utilizing socket function calls for network input/output, standard file system function calls for file input/output, and standard thread mechanism for playlist and input/output processing, col. 7, lines 34-43);*

It would have been obvious to one of ordinary skill of the art having the teaching of Katinsky and Chowdhury at the time the invention was made to modify the system of Katinsky to include the limitations as taught by Chowdhury. One of ordinary skill in the art would be motivated to make this combination in order to identify the file transfer to be started (col. 9, lines 12-15) in view of Chowdhury, as doing so would give the added benefit of enabling a plurality of control functions for access by a user or a user system in controlling the identity, sequence and flow of file transfers in order to optimize transfer efficiency in a data transfer transaction (Summary) as taught by Chowdhury.

Katinsky and Chowdhury does not teach:

authenticating said user's authorization to access certain media content;

filtering said plurality of media files based on said user's authorization to access certain media content such that said user interface includes selectable indicia for only those media files corresponding to said certain media content.

Headings teaches:

authenticating said user's authorization to access certain media content (*i.e. The platform also preferably includes a subscriber management system for managing consumer accounts, a content distribution system for distributing media content to the consumers, a licensing server*



*for issuing licenses restricting the use of media content, and a royalty reporter for determining and reporting royalties to one or more content suppliers, col. 3, lines 9-37).*

filtering said plurality of media files based on said user's authorization to access certain media content such that said user interface includes selectable indicia for only those media files corresponding to said certain media content (*i.e. FIG. 2 shows a preferred method for ordering a media asset on DESP 100. In step 200, a consumer accesses the client's system (e.g., through a web page or cable channel). In step 202, service platform 108 identifies the consumer by service and publishing groups. In step 204, service platform 108 checks the permissions (if any) associated with the consumer profile (e.g., whether the consumer has been authorized by a parent or guardian to view the requested media asset). In a preferred embodiment, an ad procedure is then initiated in step 300, col. 10, lines 24-34).*

It would have been obvious to one of ordinary skill of the art having the teaching of Katinsky and Headings at the time the invention was made to modify the system of Katinsky to include the limitations as taught by Headings. One of ordinary skill in the art would be motivated to make this combination in order to issue licenses the use of media content (col. 3, lines 9-37) in view of Headings, as doing so would give the added benefit of obtaining an open business platform that provides an end-to-end solution for managing, distributing, and/or retailing digital media assets from various content suppliers (Summary) as taught by Headings.

**As per claim 32**, Katinsky teaches the method of claim 31, wherein said autoplay function is configured to control whether said order in which each of said plurality of media files identified by a selected one of said playlist is determined based on contents of said selected one

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of said playlists or based on user input (*i.e. A web page has a player for playing media objects, a sequencer which displays a play list that defines an order in which media objects are played by the player, and a media access area for containing a plurality of graphical icons. Each graphical icon representing a media object, and the graphical icons can be manipulated by a user to modify the play list. For example, the media icons may be dragged to the sequencer to add them to the sequencer, Abstract*).

**As per claim 33**, Katinsky teaches the method of claim 32, wherein said user input comprises selection of one or more of said indicia of said plurality of media files identified by a selected one of said playlist (*i.e. A web page has a player for playing media objects, a sequencer which displays a play list that defines an order in which media objects are played by the player, and a media access area for containing a plurality of graphical icons. Each graphical icon representing a media object, and the graphical icons can be manipulated by a user to modify the play list. For example, the media icons may be dragged to the sequencer to add them to the sequencer, Abstract*).

### ***Response to Arguments***

12. Applicant's arguments filed 07/02/07 have been fully considered but they are not persuasive.

**a. Balabanovic does not teach a server.**

Notably, the server of Applicants equates to *a web server* of Balabanovic (*i.e. The file may then be uploaded to a web server and assigned a unique URL, col. 10, lines 50-67*).

**b. Applicants argue that the teaching of Balabanovic focuses on a tool for use by the user.**

It should be understood that the tool of Balabanovic for use by both user and server since the server provide URL (i.e. web site of the claim invention), therefore the step of compiling of Balabanovic is performed by both user and server. The claim limitation does not limit that the step of compiling is performed by one or more server without user.

**c. Applicants argue that Balabanovic does not mention one or more servers configured to generate an interface, define a set of metadata attributes relating to a plurality of media files.**

As mentioned above, the compiling step of Balabanovic is performed by both user and server, the step of assigning URL by server of Balabanovic implied the step of defining metadata attributes (i.e. file name, direction in the URL). It should be noted that the URL of Balabanovic server pertains a portion of an interface because without URL the interface cannot be loaded by another users.

**d. Applicants argue regarding the user's "own sequences of song".**

It has been brought to Applicants' attention that the users of Balabanovic have two roles, a first role as an author (i.e. a plurality of sources of the claim invention) providing media files, a second role as a player. Therefore, the users of Balabanovic can control the sequences of song for playing; and thus, the auto play function is determined equates to the role user as an author or a player.

Note that the claim invention does not limit that a source has to be different from a user.

13. Applicant's arguments regarding Balabanovic does not disclose the features of the newly amended claims, with respect to claims 1, 3-5, 7-11, 20-34, have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham, can be reached on (571) 272-7079. The fax number to this Art Unit is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Miranda Le  
September 07, 2007



JOHN COTTINGHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100